

Crl.A. 271/2003
BEFORE
THE HON'BLE MR JUSTICE P.G.AGARWAL

Heard Mr. T.J.Mahanta, learned counsel for the appellant and Mr.K.Munir, learned P.P., Assam.

The appellant Ajit Das has been convicted by the learned Adhoc Additional Sessions Judge, Bongaigaon in Sessions Case No. 46(B)/94 under Section 376 IPC for committing rape on Smti Reboti Boro and has been sentenced to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.5000/-, in default in payment of fine, to undergo further imprisonment for three months. The incident took place on 21.12.1988 while the victim was alone in the house.

During the trial, the prosecution examined as many as six witnesses including the victim. In view of the oral and medical evidence on record, the conviction as such has not been challenged or disputed before us. Learned counsel for the appellant has, however, submitted that the incident took place about 20 years back and in the meantime the accused as well as the victim had got married and both of them have four children each. It is also submitted that from the date of conviction till date the accused person is in jail and he was also in jail for about 7 months during the investigation and thus a total period of his detention, as on date, is 4 years 3 months.

On consideration of the submissions, we, therefore, reduce the sentence of imprisonment to the period already undergone by the accused appellant. Let the accused be released from the jail forthwith, if not wanted in any other case.

The appeal stands disposed of with the above modification in sentence.